

EXHIBIT 113

Declaration of Ike Lawrence Epstein In Support of Zuffa's Motion for Summary Judgment

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10 *Ultimate Fighting Championship and UFC*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Cung Le, Nathan Quarry, Jon Fitch, Brandon
14 Vera, Luis Javier Vazquez, and Kyle
Kingsbury, on behalf of themselves and all
15 others similarly situated,

16 Plaintiffs.

17 v.

18 Zuffa, LLC, d/b/a Ultimate Fighting
19 Championship and UFC,

20 Defendant.

No.: 2:15-cv-01045-RFB-(BNW)

**DECLARATION OF IKE LAWRENCE
EPSTEIN IN SUPPORT OF ZUFFA'S
MOTION FOR SUMMARY JUDGMENT**

1
2 I, Ike Lawrence Epstein, declare as follows:

3 1. I am over 21 years old and have personal knowledge of the information in this
4 declaration. I have been employed by Zuffa, LLC (“Zuffa”) since 2007, and I am currently
5 the Chief Operating Officer and Senior Executive Vice President of the Ultimate Fighting
6 Championship (“UFC”). In this role, I am responsible for all global business operations and
7 for managing UFC’s overall performance and growth. Prior to becoming UFC’s Chief
8 Operating Officer and Senior Executive Vice President in 2007, I was the President of the law
9 firm Beckley Singleton, and was outside counsel to Zuffa. I have personal knowledge of the
10 facts stated in this declaration, and if called to testify, I would and could competently testify to
11 those facts.

12 2. During my tenure as both UFC’s Chief Operating Officer and Senior Executive
13 Vice President, I have been involved and have developed personal knowledge regarding the
14 rapid growth and development of Mixed Martial Arts (“MMA”) as a sport and entertainment
15 industry.

16 3. Prior to Zuffa buying UFC in 2001, 36 states banned MMA events, many
17 broadcasters and pay-per-view outlets refused to air MMA events, and UFC’s PPV
18 subscribers to MMA events were low. To rehabilitate and grow MMA’s brand, Zuffa
19 invested millions of dollars before realizing any profit from operating UFC. Since Zuffa’s
20 purchase in 2001, UFC has grown from promoting 7 events in 2002, to 18 events in 2006, to
21 32 events in 2010, to 41 events in 2016, to 42 events in 2022. The increasing number of
22 MMA events requires correspondingly greater purchases of athlete services to compete in
23 those events.

24 4. The MMA industry is premised around the construction and maintenance of
25 fighters’ brands in order to attract fans to fighters to whose stories they can connect.
26 Accordingly, MMA promoters invest considerable resources to build a cult following around
27 their athletes, including by teasing rivalries between particular fighters, crafting captivating
28

1 narratives for up-and-coming fighters, and hyping matches against defending champions. To
2 facilitate this crucial aspect of Zuffa business, athlete compensation has increased since Zuffa
3 acquired the UFC, including through the alleged Class Period.

4
5 5. Before and since 2017, I have observed that MMA entities have continued to
6 grow and thrive in the MMA marketplace and compete vigorously with UFC for investors,
7 broadcasting deals, venues, sponsorships, and fighters. To compete, other MMA entities
8 routinely use exclusivity provisions and “Champion’s Clauses” in their promotional
9 agreements with athletes, and have successfully recruited former UFC fighters that were
10 highly-ranked at the time they signed with their new competitors. Without exclusivity
11 agreements and contractual clauses like the Champion’s Clause, both UFC and its competitors
12 would generally not invest as many resources in compensating or promoting fighters if
13 fighters could immediately leave for a competitor as soon as they attain some success—and as
14 a result, many fighters’ pay would be lower, absent these contractual mechanisms. To deliver
15 on their contractual promises to broadcasters, MMA promoters must maintain a sufficiently
16 deep roster of athletes to staff each live event.

17 6. Bellator MMA (“Bellator”) expanded its output of MMA events from 10
18 events in 2009 to averaging over 20 events during the alleged Class Period. Since 2017,
19 Bellator—an existing competitor to UFC prior to 2017—has continued to grow and expand its
20 operations. Bellator began to host its Grand Prix tournament series in 2018, its events are
21 broadcast on Showtime and the BBC, and it now has a dedicated channel on Pluto TV. In
22 June 2018, Bellator [announced](#) a five-year, nine-figure streaming deal with DAZN, covering
23 the U.S. and other geographies served by the streaming service. Since Bellator 206, this
24 includes all events aired by Paramount Network as well as seven exclusive cards per year.
25 According to public statements by Viacom, this deal was to “double Bellator’s revenue and
26 make the organization profitable.” In September, 2020, it was [announced](#) that Bellator cards
27 would move to CBS Sports Network, with preliminary bouts to stream on YouTube and
28 CBSSports.com. On February 9, 2021, it was [announced](#) that Bellator events would begin

1 airing exclusively on Showtime in April 2021. Bellator has also received widespread media
2 and commercial recognition for the quality of its fights.

3
4 7. According to [news reports](#), Bellator is engaged in discussions with the
5 Professional Fights League (“PFL”) about merging.

6 8. PFL is a competing MMA entity that entered the market after 2017. The PFL
7 was founded in 2018 as a successor to MMA promotion World Series of Fighting (“WSOF”).
8 Prior to PFL’s purchase, WSOF increased its output from one event in 2012 to eight events in
9 2016. PFL purchased WSOF’s fighting operations and event infrastructure and currently
10 advertises itself as “the #1 fastest growing sports league and the #2 MMA company
11 worldwide.” PFL was bought by Ted Leonsis who put together a group of investors and
12 influencers such as Tony Robbins and Kevin Hart to invest money and to promote the league.
13 More recently, PFL received hundreds of millions of dollars in investments from major
14 investors, such as the Public Investment Fund of the Kingdom of Saudi Arabia, SRJ, Ares,
15 Knighthood, Luxor Capital, Waverley Capital, Elysian Park Ventures, and numerous NBA,
16 MLB, NHL, and MLS team owners. Accordingly, the PFL is reported as having
17 approximately \$500 million in funding.

18 9. The PFL puts on an MMA tournament with six weight class champions, each
19 earning a \$1 million prize, with \$10 million in total compensation. PFL debuted its inaugural
20 season in June 2018 at Hulu Theater at Madison Square Garden in New York City. In
21 January, 2018, PFL [announced](#) that it had reached a multi-platform distribution deal for the
22 inaugural 2018 season with NBC Sports Group and Facebook. Within the United States,
23 NBC Sports Group established a live Thursday night PFL franchise, presenting seven regular-
24 season live events in prime time exclusively on NBCSN beginning June 7, 2018, through the
25 end of August 2018. Events televised by NBCSN also streamed on NBCSports.com and the
26 NBC Sports app. All regular season events had encore telecasts on NBCSN later the same
27 night. Beginning in February 2019, the PFL’s events began being [broadcast](#) by ESPN in the
28 United States and TSN in Canada. PFL events and playoff matches [air on](#) ESPN+ and

1 ESPN2, with the Championship Event on New Year's Eve airing exclusively on ESPN2 and
2 ESPN Deportes. In May 2022, Alex Rodriguez became a partial owner of PFL after
3 contributing to a \$30 million [funding round](#).
4

5 10. PFL has grown substantially since its founding and competes with UFC for
6 investors, broadcasting deals, sponsorships, and fighters necessary for operating a successful
7 MMA business. Sophisticated investors recognize PFL's growth and success. In addition to
8 the investments detailed above, PFL currently holds sponsorships from major brands, such as
9 GEICO, Draft Kings, Bose, Bud Light, Celsius and others. PFL also has a broadcasting deal
10 with ESPN and other streaming platforms, and PFL's viewership has increased substantially
11 since its founding.

12 11. ONE Championship ("ONE")—an existing competitor to UFC prior to
13 2017—has continued to grow and expand its operations. By June 2021, ONE Championship
14 was [ranked](#) by Nielson in the top five in viewership and engagement among all global sports
15 properties, reportedly ahead of the UFC in terms of digital viewership, digital fan engagement
16 and cumulative global reach in broadcast television. By June 2022, ONE [reported](#) that had
17 grown its average number of viewers per event from 40,000 viewers in 2016 to 50 million
18 viewers in 2022. In May 2023, ONE hosted its first event in the U.S. that aired on Amazon
19 Prime Video and announced plans to host many additional events in the U.S. in 2024.
20 Overall, eight ONE events have aired on Amazon Prime Video in 2023. In September 2023,
21 ONE signed an expansive broadcasting partnership deal with DirectTV that would allow ONE
22 bouts to be broadcast across the United States in bars and restaurants via DirectTV for
23 Business. On September 29, 2023, ONE Fight Night 14 debuted as ONE's first DirectTV
24 event.

25 12. In December 2021, ONE's parent company Group ONE Holdings [raised](#) \$150
26 million in funding from major investors such as Sequoia Capital, Guggenheim Investments
27 and the Qatar Investment Authority. By June 2022, ONE [reported](#) that it was valued at
28 approximately \$1.4 billion and was preparing to offer an initial public offering in the near

1 future.

2
3 13. In April 2021, it was announced that Anthem Sports & Entertainment had
4 acquired combat sport promotion company Invicta. Starting in May, 2021, Invicta events
5 were broadcast live on the Anthem-owned networks AXS TV and Fight Network in the
6 United States and Canada, respectively, as well as on IFC's YouTube channel.

7 14. I am aware of Combate America performing multiple rounds of capital raises,
8 and believe that they are in a good financial situation and should be recognized as real players
9 in the U.S. market.

10 15. Other competitors have also entered the MMA marketplace or grown,
11 including but not limited to Legacy Fighting Alliance, Bare Knuckle Fighting
12 Championships, Titan Fighting Championships, Xtreme Fighting Championships, and Golden
13 Boy Promotions. UFC competes with these entities for investors, broadcasting deals,
14 sponsorships, and fighters.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing facts are true and correct to the best of my knowledge. Executed
18 this 24 day of October, 2023 in Las Vegas, NV

19
20 
21 Ike Lawrence Epstein